

RESOLUTION 18-2006
AN ORDER ABANDONING A COUNTY STREET IN BASIN

A petition was filed with the Board of County Commissioners of Jefferson County, Montana (hereinafter, the “Board”), by Mike Gilles on the 9th day of June, 2006. This petition requested the abandonment of a certain Jefferson County street in an unincorporated town or townsite within Jefferson County, Montana, and being a portion of a street within the original townsite of Basin, Jefferson County, Montana. The description of the subject County street is set forth as follows:

The old Main Street, directly north of Lots 1-13, T6N, R5W, Section 17, Block 12, Basin Townsite.

Pursuant to Title 7, Chapter 14, Part 26, MCA, the Board made a preliminary review of the subject Petition. The Board found that the petition was submitted by all of the landowners affected by street petitioned to be closed within Jefferson County and found that said petition described the particular street or portions thereof to be abandoned, the general route thereof, and the lands and owners affected by the proposed abandonment.

The Board further determined that the consent of the owners of the affected lands was endorsed upon the Petition by their execution of the same and that the Petition set forth the necessity for and advantage of the petitioned action.

Therefore, the Board ordered that the feasibility, desirability, and cost of granting the prayer of the Petition, and the merits or demerits of the proposed abandonment be investigated. In this regard, the Board appointed Commissioner Notbohm and Ben Sautter, Road Supervisor, to conduct the investigation. On June 27, 2006, Commissioner Notbohm reported that he investigated the merits of the petition and recommended that the petition be granted.

The Board considered the Petition and the findings of Commissioner Notbohm’s investigation. The Commission approved the closure of said street; hereinafter described:

The old Main Street, directly north of Lots 1-13, T6N, R5W, Section 17, Block 12, Basin Townsite.

The Board found that the granting of the relief sought in the Petition was in the best interest of the County, was both feasible and desirable for the use and benefit of the public, would not cause any increase in costs to the public, and could be done without detriment to the

public interest.

Upon such basis, the Board determined that the Petition should be granted and that an appropriate Order should be entered.

Therefore, **IT IS HEREBY ORDERED** as follows:

1. That the Petition of Mike Gilles is hereby granted subject to the following conditions:

a) that the Petitioner recognize that no owner shall ever claim or attempt to claim that any portion of said street constitutes a “lot” or “parcel”, distinct from the owners adjoining lot or property, upon which the separate residence or structure requiring water and sewer facilities can be constructed, and;

b) that any utility easements now existing on the right-of-way will be continued unaltered and that access by utility company employees for the maintenance of the equipment shall be allowed, and;

c) that Jefferson County shall retain full utility rights, if any.

2. That the portion of the said Jefferson County street which is abandoned by this Order is more particularly described as:

The old Main Street, directly north of Lots 1-13, T6N, R5W, Section 17, Block 12, Basin Townsite.

DATED this 11th day of July, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER